

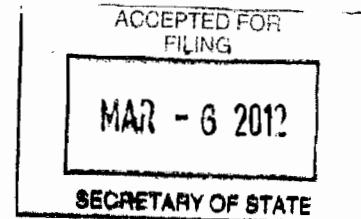
Rule-Making Cover Sheet

MAPA-1

TO: **Secretary of State**
ATTN: **Administrative Procedure Officer,**
State House Station 101, Augusta, Maine 04333.

2012-68

1. **Agency:** Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Maine Board of Pharmacy
2. **Agency umbrella and unit number:** 02-392
(2 digit umbrella # and 3 digit unit #)
3. **Title of rule:** Self-Service Customer Kiosks
4. **Chapter number assigned to the rule:** 20-A
(must be 3 digits or less)
5. **Date(s)/method(s) of notice:** Newspaper advertisement by Secretary of State, 10-12-11; mailing to interested parties, 09-29-11; posting on OPOR's web site, 09-28-11
6. **Date(s)/place(s) of hearing(s):** 11-03-11, Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, ME



- 7-A. **Type:** ☒ new rule ☐ partial amendment(s) of existing rule
☐ suspension of existing rule ☐ repeal of rule ☐ emergency rule
☐ repeal and replace: complete replacement of existing chapter, with former version simultaneously repealed.
8. **Name/phone of agency contact person:** Geraldine Betts, Board Administrator, (207) 624-8625
9. **If a major substantive rule under Title 5, c. 375, sub-CII-A, check one of the following**
☐ Provisional adoption (prior to Legislative review) ☐ Final adoption
☐ Emergency adoption of major-substantive rule

10. **Certification Statement:** I, Joseph Bruno, hereby certify that the attached is a true copy of the rule(s) described above and lawfully adopted by the Maine Board of Pharmacy on February 2, 2012.

Signature: _____

(original signature, personally signed by the head of agency)

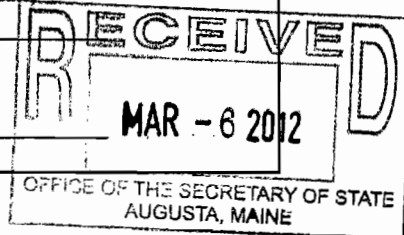
Printed Name & Title: Joseph Bruno, Board President

11. **Approved as to form and legality by the Attorney General on** 3/1/12

Signature: _____

(original signature, personally signed by an Assistant Attorney General)

Printed Name: Christopher L. Mann



EFFECTIVE DATE:

MAR 11 2012

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**392 MAINE BOARD OF PHARMACY****Chapter 20-A: SELF-SERVICE CUSTOMER KIOSKS**

Summary: This chapter sets forth requirements for self-service customer kiosks.

1. Scope

The provisions of this chapter apply to self-service customer kiosks for pickup of refill prescriptions that are located in retail pharmacies. A kiosk may be stocked only with refill prescriptions for noncontrolled substances. New prescriptions, or prescriptions for controlled substances, may not be delivered via kiosk. A self-service customer kiosk may operate only when the licensed pharmacy is open.

2. General Use

Subject to the limitations contained in Section 1 of this chapter, a prescription filled at a retail pharmacy in accordance with Chapter 19 of the board's rules, or a prescription filled at a central fill drug outlet in accordance with Chapter 21 of the board's rules, may be delivered to the patient or representative of the customer via a self-service kiosk located at the retail pharmacy where the prescription is dispensed, or the retail drug outlet that receives the filled prescription from a central fill drug outlet.

3. Placement Within Retail Pharmacy

A self-service customer kiosk must be located within, adjacent to or clearly within sight of the pharmacy. A self-service customer kiosk is deemed to be part of the licensed pharmacy.

4. Loading of Finished Refill Prescriptions

Only a pharmacist or pharmacy technician may load finished refill prescriptions available for delivery into a self-service customer kiosk for pickup by the patient or a representative of the patient.

5. Identification of Patient or Patient's Representative

A self-service customer kiosk must provide a method of identifying a patient or representative of the patient such that a finished prescription is delivered from a kiosk only to its intended recipient.

6. Opportunity for Counseling

A self-service customer kiosk must prominently notify customers that patient counseling is available at the pharmacy counter in connection with drugs delivered via the kiosk. Counseling may also be provided by a pharmacist reachable at a toll-free telephone number who has access to the patient profile. Instructions on how to contact a pharmacist via toll-free telephone must be displayed by the kiosk and must also be printed on the customer receipt.

[NOTE: See Chapter 25 of the board's rules, entitled "Patient Counseling."]

7. Physical Security; Restricted Access

A self-service customer kiosk must be—

- A. Electronically protected against unauthorized access;
- B. Be bolted to the floor or installed in a wall;
- C. Be constructed in such manner as to prevent tampering, break-in and theft of inventory; and
- D. Able to sound an alarm if break-in is attempted.

[NOTE: Chapter 13, Section 6(6) of the board's rules requires that self-service customer kiosks be monitored by security cameras.]

8. Removal of Unclaimed Prescriptions; Accountability

Only a pharmacist or pharmacy technician may remove unclaimed prescriptions from a self-service customer kiosk or open the kiosk for any purpose. The pharmacist in charge shall administer a system of accountability for self-service customer kiosks at a retail drug outlet, including but not limited to records of prescriptions delivered and a time log that identifies and describes the activity of each patient, representative of a patient, pharmacist and pharmacy technician who stocks, receives drugs from, removes drugs from or accesses the kiosk for any reason.

9. Testing

Before a self-service customer kiosk is deployed, the pharmacist in charge shall test the kiosk to ensure that it releases drugs properly. The pharmacist in charge must monitor performance of the kiosk on an ongoing basis and test the kiosk for accuracy whenever any change or upgrade is made to the automated pharmacy system.

10. Purity and Potency

The purity, potency, and integrity of the drugs contained in a self-service customer kiosk must be preserved.

11. Maintenance

The retail drug outlet and pharmacist in charge are responsible for timely and documented maintenance of self-service customer kiosks in accordance with the manufacturer's recommendations.

STATUTORY AUTHORITY: 32 M.R.S.A. §§13720, 13721(1), 13722(1)(B-1), 13723, 13751(3)

EFFECTIVE DATE: